

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

GLORIA D. WISEMAN,

PLAINTIFF,

v.

RELIASTAR LIFE INSURANCE COMPANY OF
NEW YORK,

DEFENDANT.

No. 1:16-CV-07587-AJN

DECLARATION OF MICHAEL T. LEIGH

I, Michael T. Leigh, declare pursuant to 28 U.S.C. § 1746:

1. I am over the age of eighteen and have personal knowledge of the matters set forth below, which are true and correct to the best of my knowledge and belief.

2. I am an attorney with the law firm of Kaplan Johnson Abate & Bird LLP, 710 West Main Street, Louisville, Kentucky 40202. I am one of the attorneys representing Defendants ReliaStar Life Insurance Company of New York in this action. I am licensed to practice law by the State of New York and the Commonwealth of Kentucky, and am admitted to practice in numerous federal courts, including this one.

3. I make this Declaration in support of Defendant ReliaStar Life Insurance Company of New York's Memorandum in Opposition to Plaintiff's Motion for Class Certification.

4. Attached hereto as Exhibit A is a true and correct redacted copy of the Lincoln Security Life Insurance Company Policy at issue in this case and related Application for Life Insurance.¹

¹ I have added page numbers to the upper right corner of Exhibit A to facilitate citations to specific portions of the policy throughout Defendant's brief.

5. Attached hereto as Exhibit B is a true and correct copy of the transcript of the deposition of Plaintiff Gloria D. Wiseman, which occurred on February 1, 2018.

6. Attached hereto as Exhibit C is a true and correct redacted² copy of a letter from Plaintiff Gloria D. Wiseman to “Ms. Angela LeClair-Cardinal and Voya Staff Members,” dated February 22, 2015, demanding to exchange the life insurance policy at issue in this case for another one.

7. Attached hereto as Exhibit D is a true and correct copy of Defendant ReliaStar Life Insurance Company of New York’s Responses to Plaintiff’s Requests for Documents and Interrogatories, served on February 2, 2018.

8. Attached hereto as Exhibit E is a true and correct copy of an email from Andrea Nelson, dated March 18, 2016, attaching a Duration Universal Life Policy Illustration designed for Olga Wiseman.

9. Attached hereto as Exhibit F is a true and correct copy of an email from Brian Mueller, dated December 4, 2017, attaching a Duration Universal Life Policy Illustration designed for Olga Wiseman.

I declare under penalty of perjury that the foregoing is true and correct.

Executed this 9th day of February 2018, in Louisville, Kentucky.

By: /s/ Michael T. Leigh
Michael T. Leigh

² I have redacted all exhibits in accordance with Federal Rule of Civil Procedure 5.2 and to remove references to health information and addresses.

CERTIFICATE OF SERVICE

I hereby certify that on February 9, 2018 I served the foregoing document on all counsel of record through CM/ECF, and on the following by email:

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/s/ Michael T. Leigh
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